

TESTIMONY OF KEITH THIBAUT
DTE/CABLE DIVISION PUBLIC HEARING
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Good morning. Thank you for allowing me to speak briefly on this important community communications issue. My name is Keith Thibault. I am the Director of Fall River Community Television and also the Chair of the Northeast Region of the Alliance for Community Media. The Northeast Region represents hundreds of PEG access centers across New England and the State of New York.

The public access center I represent is located on the campus of Bristol Community College. Our staff works not only for the access center but also provides videotaping services to the college. The City's educational access facility is located at Durfee High School. Our futures heavily rely on the public/private partnership cable franchise negotiations present.

I too believe that the 90 day window being proposed by this rule change is prohibitive in a community's ability to adequately assess the telecommunications needs of its citizens. Let me share with you the cable television status in the City of Fall River. The current cable franchise with Comcast expired in December of 2002. It was extended 30 months until July of 2005. The City and Comcast reached an impasse in talks and the City issued a preliminary denial of its renewal. Although the City and Comcast can still talk, there is still a possibility that an administrative hearing before this body may still take place. Because of all these delays we are working under provisions of a contract that was first signed in 1991! Fifteen years is a long time.

Those in support of this proposed rule change will say that this length of time to come up with an agreement is a good example of how the system takes too long and is in need of reform. I will say that the reason for the delay is that the negotiation process in Fall River is taking so long because BOTH SIDES are not satisfied with the details of the renewal. The City, based upon its ascertainment, believe their needs are not being met. Such disagreements are common under franchise negotiations.

What's to say that such an impasse will not take place as competitors begin negotiating in cities and towns? If this rule passes, will they just walk away from the table if the stakes don't fit their needs and wait for the 90 days to pass to be granted a license? I don't think that's a good business practice. The parties need time to negotiate. It's in the best interest of the cities and the video provider.

To quicken the negotiating process, some will say that the municipality should just use the incumbent franchise as a model for the competitor. That may work if you have a recent renewal. What if your community is six years into a franchise and renewal has not started? Six years is a long time technologically. The provisions of that franchise may be outdated. This is an example where one-size fits all may not be practical.

I also want to say a few words about Verizon's claim of not being able to secure licenses in a timely manner. As of today Verizon has contracts in 12 communities. These have been secured over the past year or so. Another over-builder, RCN, has 16 licenses over a period of, what, nearly 10 years? Verizon is able to get licenses at a quicker rate than other competitors in the past. They were able to do this not because of regulation, but because of their market driven growth into video and their ability to quickly build their physical plant.

I hope the Division will be prudent in considering all the information gathered during this proceeding. Thank you for your time.